

VIA HAND DELIVERY 10/20/04

DAE/SH
NIPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

O I P E
OCT 20 2004
PATENT & TRADEMARK OFFICE
RE Letters Patent of:
Ruben et al.

Docket No.: PF155C1D1

Application Serial No.: 10/075,446-Conf. #8759

Allowed: August 24, 2004

Filed: February 15, 2002

Group Art Unit: 1647

For: **Keratinocyte Growth Factor-2**

Examiner: C. Saoud

LETTER REGARDING
PATENT TERM ADJUSTMENT CALCULATION

MS Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Upon reviewing the Notice of Allowance mailed on August 24, 2004 for the above-identified application, the undersigned attorney for Assignee noted that there appears to be an error in calculation of the Patent Term Adjustment on PTO form PTOL-85, "Determination of Patent Term Adjustment under 35 U.S.C. 154(b)". In particular, form PTOL-85 indicates the "Patent Term Adjustment to date is 393 day(s)." The undersigned believes the term adjustment to be inappropriate. In particular, the undersigned notes that a Terminal Disclaimer was filed in the above-identified application on July 15, 2004.

The undersigned believes that any duty to disclose the error in calculation to the Patent and Trademark Office has been satisfied by the above.

Dated: 10/20/2004

Respectfully submitted,

By MJH
Mark J. Hyman

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